



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 30, 1998

Mr. Roland Castaneda
General Counsel
Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163

OR98-0300

Dear Mr. Castaneda:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 112125.

The Dallas Area Rapid Transit ("DART") received several requests for information concerning contracts and other records. You have submitted copies of the requests as Attachments A through G. You indicate that information responsive to the requests in Attachments C through G has been provided to the requestors. The request submitted as Exhibit A seeks "any and all information relating to the federal grand jury investigation and subpoenas" involving DART. The requestor also seeks information related to the serving of any federal subpoenas on DART. The request submitted as Exhibit B seeks copies "of all requests for information made by other parties in relation to the federal subpoena received by DART" and also seeks copies of information that is responsive to these other requests for information. You object to releasing information in response to these requests.¹

You express concern that disclosure of the information requested would subvert the integrity of an ongoing federal grand jury investigation. Also, you supplied information showing that the U.S. Attorney's Office has requested that DART not publicly disclose certain information. Based upon your arguments against disclosure, it is our understanding that you are asserting the applicability of section 552.108(a)(1) in regard to the law

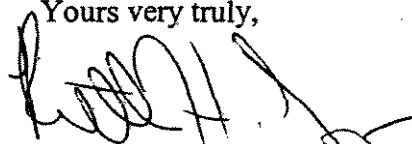
¹Based upon your correspondence, we assume that DART has or will comply with the part of the Exhibit B request that seeks a copy of the Exhibit A request for information. You do not assert that a copy of the Open Records request itself is confidential.

enforcement interests of the U.S. Attorney's Office in investigating possible criminal conduct.²

Section 552.108(a)(1) provides that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from disclosure if release would interfere with such detection, investigation, or prosecution. In Open Records Decision No. 586 (1991), this office interpreted the predecessor statute to section 552.108(a) to protect information held by a governmental body that was the subject of an ongoing criminal investigation by state and federal authorities. *See* Open Records Decision No. 340 (1982) (the predecessor statute to section 552.108 protected from disclosure information held by city while federal investigation was ongoing). Thus, based upon the information supplied to this office, DART may at this time withhold the information at issue under section 552.108(a)(1) of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 112125

Enclosures: Submitted documents

² You also asserted other exceptions to disclosure but did not explain their applicability to the documents at issue.

Mr. Roland Castaneda - Page 3

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